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6 Attorneys for Plaintiff, STARTOP SPV - LONG
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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION
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11 STARTOP SPV - LONG ANGLE
INVESTMENTS LLC,

12 Plaintiff,

13 v.
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15 STARTOP INVESTMENTS, LLC, a
Wyoming limited liability company;
ANDREW ADLER, an individual; DAVID
16 HARDCASTLE, an individual, VOYAGER
PACIFIC CAPITAL MANAGEMENT, LLC,
17 a Delaware limited liability company; 2112,
LLC, a Delaware limited liability company;
18 PREMIER PROPERTY MANAGEMENT
GROUP, a Connecticut limited liability
19 company; CARTER COONS, as trustee of the
20 29 MALLARD TRUST; and DAVID
HARDCASTLE and LAURA SOLANGE
21 HARDCASTLE, as trustees of the
HARDCASTLE FAMILY TRUST,
22

23 Defendants.
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Case No. 1:24-CV-00272-KES-BAM

**JOINT STIPULATION TO MODIFY
DEADLINE TO RESPOND TO FIRST
AMENDED COMPLAINT**

*Filed concurrently with [PROPOSED]
ORDER GRANTING JOINT STIPULATION
TO MODIFY DEADLINE TO RESPOND TO
FIRST AMENDED COMPLAINT*

Judge: Hon. Kirk E. Sherriff

25 **RECITALS**

26 WHEREAS Plaintiff STARTOP SPV – LONG ANGLE INVESTMENTS LLC (“Plaintiff”)
27 filed a Complaint against Defendants STARTOP INVESTMENTS, LLC (“Startop”), ANDREW
ADLER, and DAVID HARDCASTLE on March 4, 2024.
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1 WHEREAS Summons for the Complaint was issued by this Court on March 5, 2024.

2 WHEREAS Plaintiff and counsel for each Defendant discussed a coordinated time for all
3 Defendants to respond to the Complaint, which was the subject of a stipulation and order setting a
4 May 6, 2024 response date. (ECF No. 12.)

5 WHEREAS, on April 22, 2024, Plaintiff filed a First Amended Complaint adding new
6 defendants and new claims, including a federal securities claim under Section 10(b), 15 U.S.C. §
7 78j(b).

8 WHEREAS Defendants Startup, Adler, and Hardcastle requested additional time to evaluate
9 the new claims and confer with Plaintiff about the arguments they intend to make in motions to
10 dismiss the First Amended Complaint.

11 WHEREAS Plaintiff agreed to give Defendants Startup, Adler, and Hardcastle until May 20,
12 2024 to file their motions to dismiss the First Amended Complaint and these defendants agreed that
13 they will not seek a further extension of time to file their motions to dismiss the First Amended
14 Complaint.

15 WHEREAS Defendants intend to file motions to dismiss the First Amended Complaint and
16 have agreed to set the hearings for those motions on the Court's calendar for June 24, 2024.

17 **STIPULATION**

18 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants
19 STARTOP INVESTMENTS, LLC, ANDREW ADLER, and DAVID HARDCASTLE through
20 their counsel of record that:

21 1. Defendants Startup, Adler, and Hardcastle will file their motions to dismiss the First
22 Amended Complaint no later than May 20, 2024.

23 2. Defendants Startup, Adler, and Hardcastle will not seek a further extension of the
24 deadline to file their motions to dismiss the First Amended Complaint.

25 3. The time for these defendants to answer the First Amended Complaint is extended
26 pending the Court's consideration of the motions to dismiss.

27 4. The hearing date for the Defendants' motions to dismiss the First Amended
28 Complaint shall be set for June 24, 2024.

1 DATED: May 2, 2024

DOWNEY BRAND LLP

2
3 By: /s/ Jamie P. Dreher
4 JAMIE P. DREHER
5 Attorneys for Plaintiff, STARTOP SPV - LONG
6 ANGLE INVESTMENTS LLC
7

8 DATED: May 2, 2024

KELLER BENVENUTTI KIM

9
10 By: /s/ Jane Kim (as authorized on 5/1/24)
11 JANE KIM
12 Attorneys for Defendant, STARTOP
13 INVESTMENTS, LLC
14

15 DATED: May 2, 2024

ILLOVSKY & CALIA LLP

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17 By: /s/ Kevin Calia (as authorized on 5/1/24)
18 KEVIN CALIA
19 Attorneys for Defendant, ANDREW ADLER

20 DATED: May 2, 2024

HAMMERSCHMIDT LAW CORPORATION

21 /s/ Jeffrey T. Hammerschmidt (as
22 authorized on 5/1/24)
23 JEFFREY T. HAMMERSCHMIDT
24 Attorneys for Defendant, DAVID HARDCASTLE
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ORDER

Pursuant to the parties' stipulation, and good cause appearing, Defendants Startop Investments, LLC, Andrew Adler, and David Hardcastle shall file their motions to dismiss the First Amended Complaint no later than **May 20, 2024**. The time for these defendants to answer the First Amended Complaint is extended pending the Court's consideration of the motions to dismiss.

IT IS SO ORDERED.

Dated: May 2, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

DOWNEY BRAND LLP